

AMENDED IN SENATE APRIL 19, 2005

**SENATE BILL**

**No. 1086**

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Introduced by ~~Senator Migden~~ *Senators Migden and Chesbro*

February 22, 2005

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~~An act relating to forest resources.~~ *An act to amend Section 6217 of the Public Resources Code, relating to the State Lands Commission.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1086, as amended, Migden. ~~Timber harvest: clearcutting.~~ *State Lands Commission.*

*Under existing law, with specified exceptions, revenue, money, and remittances received by the State Lands Commission are required to be applied to specified obligations in a prescribed order. Existing law provides for these provisions to become inoperative on July 1, 2006, and to be repealed January 1, 2007.*

*This bill would extend the inoperative date of these provisions to July 1, 2011, and the repeal date to January 1, 2012.*

*Existing law provides that as of July 1, 2006, with specified exceptions, all revenue, money, and remittances received by the State Lands Commission are to be deposited in the General Fund and made available each fiscal year for specified purposes.*

*This bill would change that date to July 1, 2012.*

~~Existing law contains various provisions designed to encourage responsible forest resource management calculated to serve the public's need for timber and other forest products, while giving consideration to the public's need for resource conservation.~~

~~This bill would state the intent of the Legislature to enact legislation to regulate the timber harvest practice of clearcutting.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

~~SECTION 1. It is the intent of the Legislature to enact legislation to regulate the timber harvest practice of clearcutting.~~

SECTION 1. Section 6217 of the Public Resources Code, as amended by Section 3 of Chapter 326 of the Statutes of 1998, is amended to read:

6217. With the exception of revenue derived from state school lands and from sources described in Sections 6217.6, 6301.5, 6301.6, 6855, and Sections 8551 to 8558, inclusive, and Section 6406 (insofar as the proceeds are from property that has been distributed or escheated to the state in connection with unclaimed estates of deceased persons), the commission shall deposit in the State Treasury all revenue, money, and remittances received by the commission under this division, and under Chapter 138 of the Statutes of 1964, First Extraordinary Session, and those funds shall be applied to the following obligations in the following order of priority:

(a) To the General Fund, the revenue necessary to provide in any fiscal year for the following:

(1) Payment of refunds, authorized by the commission, out of appropriations made for that purpose by the Legislature.

(2) Payment of expenditures of the commission as provided in the annual Budget Act enacted by the Legislature.

(3) Payments to cities and counties of the amounts specified in Section 6817 for the purposes specified in that section, and the revenues so deposited are appropriated for that purpose.

(4) Payments to cities and counties of the amounts agreed to pursuant to Section 6875.

(b) To the California Housing Trust Fund, each fiscal year, the amount of two million dollars (\$2,000,000).

(c) After meeting the obligations in subdivisions (a) and (b), the Controller shall transfer the balance of all such revenue, money, and remittances received by the commission pursuant to this section in each fiscal year to the Resources Trust Fund.

The money in the Resources Trust Fund shall be collected for the purposes of, and held in trust for, preserving and protecting the natural and recreational resources of the state and, for this purpose, the Controller shall annually transfer the following sums

1 from the Resources Trust Fund to the following accounts and  
2 funds in the following order of priority:

3 (1) Eight million dollars (\$8,000,000) to the Salmon and  
4 Steelhead Trout Restoration Account in the Resources Trust  
5 Fund. The money in the account shall be appropriated in the  
6 annual Budget Act to the Department of Fish and Game for  
7 expenditure for the recovery of coho salmon, other species of  
8 salmon, and anadromous trout pursuant to Section 6217.1 of this  
9 code and Chapter 8 (commencing with Section 2760) of Division  
10 3 of the Fish and Game Code.

11 (2) Two million two hundred thousand dollars (\$2,200,000) to  
12 the Marine Life and Marine Reserve Management Account,  
13 which is hereby created in the Resources Trust Fund. The money  
14 in the account shall be appropriated in the annual Budget Act to  
15 the Department of Fish and Game for expenditure for marine life  
16 management pursuant to Section 6217.2.

17 (3) Ten million dollars (\$10,000,000) to the State Parks  
18 System Deferred Maintenance Account, which is hereby created  
19 in the Resources Trust Fund. The money in the account shall be  
20 appropriated in the annual Budget Act to the Department of  
21 Parks and Recreation for deferred maintenance expenses.

22 (4) The remainder to the Natural Resources Infrastructure  
23 Fund which is an account in the Resources Trust Fund. The  
24 money in the Natural Resources Infrastructure Fund shall be  
25 available for expenditure, upon appropriation by the Legislature,  
26 for the purposes of preserving and protecting the natural and  
27 recreational resources of the state. Priority for the use of the  
28 money in the Natural Resources Infrastructure Fund shall be  
29 given to the following:

30 (A) For expenditure by the Department of Fish and Game,  
31 upon appropriation by the Legislature, for environmental review  
32 and monitoring, consultation with lead agencies, recommending  
33 mitigation measures, and enforcement related activities pursuant  
34 to Division 13 (commencing with Section 21000).

35 (B) For expenditure, upon appropriation by the Legislature, for  
36 the purposes of land acquisition in Orange County and San Diego  
37 County pursuant to Chapter 10 (commencing with Section 2800)  
38 of Division 3 of the Fish and Game Code.

39 (C) For expenditure to meet the requirements of Section 2796  
40 of the Fish and Game Code that are not met pursuant to Section

1 2795 of the Fish and Game Code, upon appropriation by the  
2 Legislature.

3 (D) For expenditure for nonpoint source pollution control  
4 programs of the State Water Resources Control Board and the  
5 California Coastal Commission, upon appropriation by the  
6 Legislature.

7 The Controller shall transfer any unencumbered balances  
8 remaining in the Salmon and Steelhead Trout Restoration  
9 Account, the Marine Life and Marine Reserve Management  
10 Account, the State Parks Deferred Maintenance Account, and the  
11 Natural Resources Infrastructure Fund on June 30 of each year to  
12 the General Fund.

13 This section shall become inoperative on July 1, ~~2006~~ 2011,  
14 and, as of January 1, ~~2007~~ 2012, is repealed, unless a later  
15 enacted statute, which becomes effective on or before January 1,  
16 2007 2012, deletes or extends the dates on which it becomes  
17 inoperative and is repealed.

18 *SEC. 2. Section 6217 of the Public Resources Code, as*  
19 *amended by Section 24 of Chapter 240 of the Statutes of 2003, is*  
20 *amended to read:*

21 6217. (a) With the exception of revenue derived from state  
22 school lands and from sources described in Sections 6217.6,  
23 6301.5, 6301.6, 6855, and Sections 8551 to 8558, inclusive, and  
24 Section 6404 (insofar as the proceeds are from property that has  
25 been distributed or escheated to the state in connection with  
26 unclaimed estates of deceased persons), the commission shall  
27 deposit all revenue, money, and remittances received by the  
28 commission under this division, and under Chapter 138 of the  
29 Statutes of 1964, First Extraordinary Session, in the General  
30 Fund. Out of those funds deposited in the General Fund,  
31 sufficient moneys shall be made available each fiscal year for the  
32 following purposes:

33 (1) Payment of refunds, authorized by the commission, out of  
34 appropriations made for that purpose.

35 (2) Payment of expenditures of the commission as provided in  
36 the annual Budget Act.

37 (3) Payments to cities and counties of the amounts specified in  
38 Section 6817 for the purposes specified in that section, out of  
39 appropriations made for that purpose.

- 1     (4) Payments to cities and counties of the amounts agreed to
- 2     pursuant to Section 6875, out of appropriations made for that
- 3     purpose.
- 4     (b) This section shall become operative on July 1, ~~2006~~ 2012.